

**Business and Professions Code
Division 5, Chapter 14, Article 1**

§ 13405. DEVELOPMENTAL ENGINE FUELS

The Department of Food and Agriculture may grant a variance from the specifications of this chapter for developmental engine fuels if all of the following conditions apply:

- (a) Variances may only be granted to provide for the development of information under controlled test conditions to assist in the creation of chemical and performance standards for engine fuels.
- (b) Developmental engine fuel shall only be distributed or sold to fleet-type centrally fueled vehicle and equipment users.
- (c) The applicant shall warn all parties in writing of any potential risk associated with the use of the developmental engine fuel.
- (d) The applicant shall report information when and as the department may prescribe in order for the department to monitor the progress of the developmental engine fuel technology evaluation.

The applicant for a variance shall comply with all other requirements, terms, and conditions that are contained in regulations adopted by the department to further the purposes and administration of this section.

In granting a variance, the department expresses no opinion as to whether an applicant's developmental engine fuel will perform as represented by the applicant. Nor does the department express any opinion to the extent, if at all, that the developmental engine fuel may be safely and effectively used as a substitute for other spark-ignition or compression-ignition engine fuels without incident. Damages caused by the sale, delivery, storage, handling, and usage of the developmental engine fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the applicant and the user.

The department may withdraw a variance if the applicant does not adhere to the conditions required to obtain the variance or if the department recognizes a high probability of equipment harm with the continued use of the developmental engine fuel or to protect public safety.

Added Stats 2001 ch 596 § 2.

California Code of Regulations
Title 4, Division 9, Chapter 6, Article 5

4144. Specifications – Developmental Fuels.

- (a) Sales of developmental engine fuels authorized by the Department are not subject to restrictions imposed upon the sale of non-conforming fuel products as set forth in Business and Professions Code Sections 13441, 13442 and 13451, but the Department's authorization does not create a variance or waiver from any other applicable California statute or regulation.
- (b) An applicant for authorization to sell developmental engine fuel must submit the following information to the Department:
 - (1) a statement of the potential benefit of the fuel to the people of California; and
 - (2) a description of test conditions associated with the use of the fuel, including control and monitoring practices, and the method of distribution and storage.
- (c) Any authorization provided by the Department is subject to the following
 - (1) The authorization is limited to a period of two years, with an automatic renewal for an additional two years in the absence of action to revoke the authorization by the Department; and,
 - (2) Damages caused by sale, delivery, storage, handling and usage of the fuel shall be addressed in accordance with contractual provisions negotiated and agreed upon by the authorization holder and the user; and,
 - (3) The authorization holder shall report information to the Department as required to monitor the use of the fuel during the process of developing a generally recognized chemical and performance standard through a recognized consensus organization or standards writing organization, such as the American Society for Testing and Materials ("ASTM") or the Society of Automotive Engineers ("SAE"). The Department shall specify the reporting requirements on a case by case basis at the time the authorization is granted.
- (d) The Department may take action to revoke the authorization at any time. Revocation of the authorization is effective and final upon receipt of written notification by the authorization holder. The Department may take action to revoke the authorization if the Department finds:
 - (1) the authorization holder has violated any of the terms and conditions of the authorization; or,
 - (2) the authorization holder has abandoned efforts to develop a generally recognized chemical and performance standard for the fuel through a recognized consensus organization or standards writing

organization.

(3) there is a high probability of equipment harm with the continued use of the developmental fuel or to protect the public safety.

(e) The authorization shall cease to exist upon publication of a generally recognized chemical and performance standard for the fuel.

NOTE: Authority cited: Sections 12027 and 13405, Business and Professions Code. Reference: Sections 13401, 13440-13443, and 13450-13451, Business and Professions Code.